

## REMARKS

### I. Status of the Claims

Claims 1-24 are pending in the application. Claims 20, 23 and 24 stand withdrawn pursuant to a restriction requirement. Claims 23 and 24 are hereby canceled. Claims 1-19, 21 and 22 are under examination, and all but claim 13 are rejected for alleged lack of enablement. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

### II. Withdrawal of Restriction in Light of Linking Claim

On June 2, 2006, the examiner restricted claim 20 away from claims 1-19, 21 and 22, the former being limited to *in vivo* embodiments, while claims 1-19, 21 and 22 being either generic or drawn to *in vitro* embodiments. It is believed that, in light of the present response, the elected subject matter is now allowable. As such, applicants now respectfully request rejoinder and examination of claim 20 (see MPEP §809 – Linking Claims Practice).

### III. Rejection Under 35 U.S.C. §112, First Paragraph

Claims 1-19, 21 and 22 stand rejected under the first paragraph of §112 as lacking an enabling disclosure for more than the use of ASP+ with NET. The entire argument devolves to the alleged absence of evidence that ASP+ can be used to study other neurotransmitters. Applicants traverse.

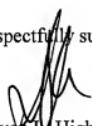
In contrast to the examiner's assertion, Schwartz *et al.* (2003) (attached) showed that both NET and DAT take up ASP+ and, although SERT does so less efficiently, it also can be studied using ASP+ (see FIG. 3; cell fluorescence showing increased fluorescence in cells with SERT as compared to non-transfected cells). A further publication by Mason *et al.* (2005) shows

additional data on DAT. These publications provides clear evidence that one can use ASP+ for NET and DAT, and for at least some indications of SERT. As such, applicants respectfully request reconsideration and withdrawal of the rejection.

**IV. Conclusion**

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding this submission, a telephone call to the undersigned attorney at (512) 536-3184 is invited.

Respectfully submitted,



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Date: November 22, 2006

Commissioner for Patents  
November 22, 2006  
Our reference: VBLT:014US  
Client reference: VU0187

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